



भारत का राजपत्र

The Gazette of India

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EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह ग्रन्थ संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 30th March, 1990:—

BILL NO. 94 OF 1989

A Bill to provide for the payment of unemployment allowance to the unemployed persons and for matters connected therewith.

BE it enacted by Parliament in the Forieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Unemployment Allowance Act, 1989.

Short title, extent and comment-
ement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) 'unemployed person' means any adult person who has no ostensible means of livelihood and whose name is registered in an employment exchange; and

(b) 'allowance' means the monthly payment to be made to an unemployed person under sub-section (1) of section 3.

Payment
of Unem-
ployment
Allowance.

3. (1) There shall be paid to every unemployed person an unemployment allowance ranging between rupees five hundred to rupees one thousand per month as may be fixed according to the provisions of sub-section (2).

(2) While fixing the amount of unemployment allowance to be paid to an unemployed person, the State shall have regard to the educational qualifications, skill, etc. of the person concerned.

Central
Govern-
ment to
share the
expendi-
ture of
payment
of unem-
ployment
allow-
ance..

4. The Central Government shall bear the expenditure to be incurred on the payment of unemployment allowance upto the extent of eighty per cent. of the total expenditure and the rest shall be met by the respective State Governments and Union territory Administrations.

Power to
make
rules.

5. The Central Government may make rules for carrying out the purposes of the Act.

STATEMENT OF OBJECTS AND REASONS

The problem of unemployment has assumed serious diversions in our country. This has caused frustration among the youth and their energy is not being utilised for the building up of the nation. Driven by desperation, the youth have, in certain parts of the country, taken to the path of violence. This will cause incalculable harm to our country. Immediate measures are required to generate employment opportunities. It of course is a long process. But the young men and women cannot wait till the developmental projects throw up enough jobs for them. Therefore, there is an urgent need for finding suitable jobs for the unemployed or in the alternative for paying some unemployment allowance to the unemployed persons till they are able to find employment.

This Bill seeks to achieve this objective.

NEW DELHI;

P. J. KURIEN

December 18, 1989.

FINANCIAL MEMORANDUM

The Bill, if enacted, will involve expenditure out of the Consolidated Fund of India on account of payment of unemployment allowance to the unemployed persons. It is, however, difficult to estimate the likely expenditure accurately. On a rough estimate rupees five hundred crores will be the likely recurring expenditure. There is no likelihood of any significant non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to frame rules to carry out the object of the Bill. Delegation of power is of normal character.

BILL NO. 96 OF 1989

A Bill further to amend the Representation of the People Act, 1950.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People (Amendment) Act, 1989.

Short title

2. In the Representation of the People Act, 1950, in section 20,—

Amend-
ment of
section 20.

(i) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) Any Indian citizen engaged in any employment outside India shall be deemed to be ordinarily resident on any date in the constituency in which, but for his engagement in such employment outside India, he would have been ordinarily resident on that date.”;

(ii) In sub-section (5),—

(a) for the words “or sub-section (4)”, the words “or sub-section (4) or sub-section (4A)” shall be substituted;

(b) for the words “in sub-section (4)”, the words “in sub-section (4) or but for his employment outside India as is referred to in sub-section (4A)” shall be substituted;

(iii) in sub-section (6) for the words “or sub-section (4)”, the words “or sub-section (4) or sub-section (4A)” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

A large number of Indian citizens are working abroad are contributing enormously to the economic development of this country. Their remittances as well as deposits are important sources in the building up of our foreign exchange reserve. Thus, the participation of these citizens in the process of economic development is well recognised. However, they are not allowed to exercise their franchise and thus participate in the political process. It is a just and fair demand of theirs that they too be allowed to exercise their franchise. While they participate in a substantial way in the economic activity in the country, it is only logical that they should be allowed to participate in the political process too. This necessitates an amendment to the Representation of the People Act, 1950.

This Bill seeks to achieve the above purpose.

NEW DELHI;

P. J. KURIEN.

December 18, 1989.

BILL No. 95 OF 1989

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People (Amendment) Act, 1989.

Short title.

2. For section 77 of the Representation of the People Act, 1951, (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Substi-
tion of
new sec-
tion for
section
77.

“77. (1) The Union Government shall bear all expenditure in connection with an election incurred or authorised by a candidate set up by a political party or his elections agent.

Election
expenses
of candi-
dates to
be borne
by the
Union
Govern-
ment.

(2) The total of such expenditure shall not exceed such amount as may be prescribed for each candidate.

*Explanation.—*While prescribing the amount, regard shall be had to the geographical condition, size, accessibility and other relevant factors of the constituencies in each State.

(3) Every candidate at an election shall, either by himself or by his election agent, keep a correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

(4) The account shall contain such particulars, as may be prescribed.”.

Insertion
of new
section
77A.

3. After section 77 of the principal Act, the following section shall be inserted, namely:—

Scheme
for dis-
bursement
of elec-
tion ex-
penses.

“77A. The Central Government shall formulate a scheme for determining the eligibility of a political party to receive the money to meet the expenditure in connection with the election of its candidates and for other allied matters.”.

STATEMENT OF OBJECTS AND REASONS

Elections in India have become extremely expensive. This would mean that elections can be fought only by those who have access to unlimited resources. Indian democracy would lose its vitality and vigour if it is sustained by money power. Time has come when we should take a serious look at the election expenses. Attempts to curb the influence of big money in election have not met with any great success. Therefore, it has become necessary to think about the State financing of the elections. Such a step would eliminate the influence of money power and thus make our democracy meaningful.

This Bill seeks to achieve the above objective.

NEW DELHI;
December 18, 1989,

P. J. KURIEN

FINANCIAL MEMORANDUM

The Bill, if enacted, would give rise to expenditure to be met out of the Consolidated Fund of India. However, it is difficult to quantify the approximate expenditure at this stage. An amount of rupees one hundred crores may be required per annum by way of recurring expenditure. There is no likelihood of any non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill provides that the Central Government shall formulate a scheme for determining the eligibility of a political party to receive money in connection with elections and for other allied matters. Such scheme would relate to matters of procedure and administrative detail. The delegation of the legislative power, therefore, is of a normal character.

BILL NO. 4 OF 1990

A Bill to provide for the establishment of an autonomous Board for all-sided development of all economically backward areas of the country.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Backward Areas Development Board Act, 1990.

Short title.

2. The Central Government shall, by notification in the Official Gazette, declare the areas of the country which in the opinion of the Central Government are economically backward.

Declaration of economically backward areas.

3. (1) There shall be established by the Central Government, by notification in the Official Gazette, a Board to be called the Backward Areas Development Board.

Establishment of Backward Areas Development Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and the Board may, with the previous approval of the Central Government, establish offices at other places in the country.

**Composition
of the
Board.**

4. The Board shall consist of the following members, namely:—
 - (a) a Chairman who shall be the Vice-Chairman of the Planning Commission, ex-officio;
 - (b) a Vice-Chairman to be appointed by the Central Government;
 - (c) six Members of Parliament of whom four shall be from Lok Sabha and two from Rajya Sabha, to be elected by the Members of the respective Houses, who belong to the backward areas, from amongst themselves;
 - (d) eight members to be appointed by the Central Government to represent respectively:—
 - (i) the Planning Commission (other than the Chairman of the Board);
 - (ii) the Ministry of the Central Government dealing with Agriculture;
 - (iii) the Ministry of the Central Government dealing with Industrial Development;
 - (iv) the Ministry of the Central Government dealing with Finance;
 - (v) the Ministry of the Central Government dealing with Railways;
 - (vi) the Ministry of the Central Government dealing with Communications;
 - (vii) the Ministry of the Central Government dealing with Education;
 - (viii) the Ministry of the Central Government dealing with Health and Family Welfare;
 - (ix) the Ministry of the Central Government dealing with Irrigation;
 - (e) not more than five members to be appointed by the Central Government, by rotation in alphabetical order, to represent the Government of the States having the backward areas;
 - (f) four members to be appointed by the Central Government, who, in the opinion of that Government are experts in various fields of economic development.

**Board to
promote
develop-
ment of
backward
areas.**

5. (1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the all sided development, under the control of the Central Government, of the backward areas of the country.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall take measures for development, particularly, of railways, roads, posts and telegraphs and other means of communications, agriculture and irrigation industries, banking, drinking water and water power, forests, live-stock, health and family welfare, education, vocational training and tourism.

6. The Central Government shall provide from time to time, after due appropriation made by Parliament by law, adequate funds for—

- (a) development works undertaken by the Board;
- (b) administrative expenses of the Board;

Provision
of funds
by
Central
Govern-
ment.

7. The Board shall have a fund to be called the Development Fund to which shall be credited all receipts from the Central Government for the purposes of development and all payments by the Board towards development expenditure shall be made therefrom.

Develop-
ment
Fund.

8. The Board shall also have a fund to be called the Administration Fund to which shall be credited all receipts from the Central Government for the purposes of administration of the Board and all administrative expenses shall be met therefrom.

Adminis-
tration
Fund.

9. The Vice-Chairman of the Board shall be entitled to such salary and allowances as may be prescribed by the Central Government.

Salary
and
allowan-
ces of
Vice-
Chairman.

10. The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties under the Chairman and the Vice-Chairman as may be prescribed and as may be delegated to him by the Chairman and the Vice-Chairman.

Secret-
ary to
the
Board.

11. The Board may appoint such officers and employees as may be necessary for the efficient performance of the functions of the Board

Officers
and
employées
of the
Board.

12. The Board shall submit every year a report, in such form as may be prescribed, of its development activities to the Prime Minister.

Annual
report to
Prime
Minister.

13. The Prime Minister shall cause the report to be laid before both Houses of Parliament as soon as may be after each such report received by him.

Reports
to be
laid
before
Parlia-
ment.

14. (1) The Central Government may make rules for carrying out the purposes of this Act.

Power to
make
rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The need for levelling down economic disparities between different regions of the country was accepted as soon as the nation launched upon planned economic development. Accelerated development of backward areas, with a view to reducing regional disparities, was one of the important national objectives. But, even after 42 years of independence, the economic disparities among regions have not only persisted but have also increased. Required attention has not been paid to develop the backward areas.

For the development of the backward areas of the country and to bring them up in a short time to the level of the rest of the country, the strategy should be to evolve a fully integrated development programme for identified backward areas to ensure all round progress. For drought-prone areas which have a predominance of small and marginal farmers, area based programmes which envisage a flow of all necessary inputs in the form of a package to enable accelerated economic development should be implemented. In addition, a programme of giving incentives to enable accelerated industrialisation of identified backward area should also be implemented. It should be ensured that infrastructural facilities like power, water supply and transport are steadily developed and made available to areas which are at present lagging behind industrially or where there is a greater need for providing opportunities for employment in order to achieve these objectives, an autonomous body, though under the overall control of the Central Government, should be established which would be responsible for planning and implementation of area based package programmes in co-ordination with the Planning Commission and the State Governments.

Hence this Bill.

NEW DELHI;
January 2, 1990.

YADVENDRA DUTT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Backward Areas Development Board. Clause 9 provides for payment of salary to Vice-Chairman. Clauses 10 and 11 provide for appointment of a Secretary to the Board and other necessary staff for performance of the functions of the Board. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees fifteen lakhs from the Consolidated Fund of India on account of administrative expenses. So far as the development expenditure (Clause 5) is concerned, that will form part of the annual expenditure on development plans of the country as a whole, and the development funds shall be made available to the Board after due appropriation by Parliament. An estimate of such expenditure is not possible at this stage.

A non-recurring expenditure of about rupees twenty-five lakhs is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will provide for matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 1 OF 1990

A Bill to provide for capital punishment to spies for espionage in India and their summary trial.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

- | | |
|---|------------------------------|
| 1. This Act may be called the Anti-Espionage Act, 1990. | Short title. |
| 2. Any person engaged in espionage activity in India shall be punished with death. | Death penalty for espionage. |
| 3. A person accused of espionage shall be tried in a summary way in the manner to be prescribed for summary trial in such a case. | Summary trial. |
| 4. The cases of espionage shall be tried by a trial court constituted in the following manner, namely:—

(a) the Chief Justice of the Supreme Court who shall be the Chairman of the Trial Court; | Constitution of trial court. |
| (b) Two Judges of High Courts who shall be appointed on the Trial Court by the Chairman. | |
| 5. No appeal shall lie from the decision of the Trial Court. | No appeal to lie. |
| 6. The Central Government may, in consultation with the Chief Justice of the Supreme Court, frame rules for carrying out the purposes of this Act. | Power to make rules. |

STATEMENT OF OBJECTS AND REASONS

Espionage is most dangerous for the security of a country. A person found guilty of espionage should be punished with death. A summary trial should be held in a case of spying because quick decision should be taken in such a case. For this purpose a special trial court should be constituted which should be headed by the Chief Justice of the Supreme Court and there should be no appeal from the decision of the Trial Court.

Existing laws do not meet the requirement of such delicate cases of spying endangering the security of the country. Protracted proceedings under the existing laws do not allow this danger to be met squarely.

Hence this Bill.

NEW DELHI;

YADVENDRA DUTT.

January 2, 1990.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to frame rules, in consultation with the Chief Justice of Supreme Court, to carry out the purposes of the Bill, particularly to prescribe the manner for summary trial in cases of espionage. As the rules will provide for matters of detail, the delegation of legislative power is of a normal character.

BILL No. 5 OF 1990

A Bill to provide for establishment of an autonomous Board for fixation of minimum prices every year of all the agricultural commodities in the nature of foodgrains and for matters connected therewith.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Grains Board Act, 1990.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent
and com-
mence-
ment.

2. In this Act—

(a) 'Board' means the Grains Board established under section 3; and

Defini-
tions.

(b) 'grains' means all agricultural commodities in the nature of foodgrains.

3. (1) There shall be established by the Central Government a Board to be called the Grains Board.

Establish-
ment of
Grains
Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and the Board may, with the previous approval of the Central Government, establish offices or agencies at other places in or outside India.

Composition
of
the Board.

4. The Board shall consist of the following members, namely:—

(a) a Chairman to be appointed by the Central Government;

(b) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;

(c) thirteen members to be appointed by the Central Government to represent respectively:—

(i) the Ministry of the Central Government dealing with Agriculture;

(ii) the Ministry of the Central Government dealing with fertilizers;

(iii) the Ministry of the Central Government dealing with Commerce;

(iv) the Ministry of the Central Government dealing with Finance;

(v) the Indian Council of Agricultural Research;

(vi) the Governments of Haryana, Madhya Pradesh, Punjab, Uttar Pradesh, West Bengal, Maharashtra, Andhra Pradesh and Tamilnadu;

(d) two members to be appointed by the Central Government, by rotation in the alphabetical order, to represent the Governments of States other than the States mentioned in para (vi) of sub-clause (c);

(e) not more than eight members to be appointed by the Central Government from amongst traders in agricultural commodities, co-operative societies, experts in marketing of agricultural commodities and banks;

(f) four members to be appointed by the Central Government from amongst farmers.

Term of
office, etc.

5. The term of office of members and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members shall be such as may be prescribed.

Functions
of the
Board.

6. It shall be the duty of the Board to—

(a) ensure that the growers of foodgrains get a reasonable and remunerative minimum price for their produce and for that purpose fix every year minimum support prices of foodgrains;

(b) fix the prices of foodgrains every year for procurement by the Central Government:

Provided that different procurement prices may be fixed for different areas;

(c) fix the issue prices of foodgrains for retail sale to consumers every year:

Provided that different issue prices for retail sale may be fixed for different areas.

7. The Board shall perform its functions in accordance with and subject to such rules as may be made by the Central Government and such rules may in particular make provisions for ensuring that the Board functions in close liaison with Union agencies, institutions and authorities concerned with the procurement, supply, distribution, trade, etc. of food-grains and avoids duplication of effort.

8. (1) The Central Government shall appoint an Executive Director to exercise such powers and perform such duties under the Chairman of the Board as may be prescribed or as may be delegated to him by the Chairman.

(2) The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(3) The Executive Director and the Secretary shall be entitled to such salaries and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

(4) Subject to such control restrictions and conditions as may be prescribed, the Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions.

9. The Chairman shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

10. The Board shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rules, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Board to function in liaison with other agencies.

Officers of the Board and their salaries, etc.

Salary and conditions of service of Chairman.

Board to carry out directions of Government.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It is a usual phenomenon in our country that in the immediate post-harvest period, prices of foodgrains decline and farmers are left at the mercy of the trading community and as soon as the lean period comes, the consumers have to purchase the same foodgrains at a very high price and they are left at the mercy of the traders. This is a phenomenon occurring from year to year.

With a view to assuring remunerative or reasonable prices to the farmers and, at the same time, ensuring availability of foodgrains to the consumers at reasonable prices, the Government owes some responsibility to develop a public organisation which will take care of prices of foodgrains.

The foodgrains pricing has to strike a balance between the interests of the producers and the consumers. The farmers should be assured of a reasonable minimum support price for their produce. Such a price, which is in the nature of an insurance against sharp falls in the wake of bumper harvests, enables the farmers to strive for higher yields without being haunted by fear that they would lose heavily when prices decline following increased production.

The most appropriate device for protecting the interests of the producer is a well-publicised programme under which the Government stands ready to purchase any quantity of a crop that may be offered at the announced minimum price. This is not the same thing as Government procurement which is normally undertaken at prices higher than the minimum prices announced earlier. The guarantee of a minimum price removes the uncertainty emanating from the not infrequent phenomenon of a steep decline in prices caused by temporary gluts in the market. It also assures the progressive farmer that his effort to augment production through the adoption of improved technology will not become unremunerative. In fact, as the expected breakthrough in agriculture comes about and gains greater momentum, minimum support prices would increasingly assume a crucial role. The necessary incentive and protection to the farmer would then have to be provided primarily through minimum support prices.

Remunerative prices to agricultural producers have a double significance; they are source of funds both for production and for better living. It will increase demand for products of non-farm sector, thus promoting the development of other industries also.

The primary objective of a foodgrains pricing policy should be three-fold; fixation of minimum support price to the producers; procurement price for the Government; and a fixed issue price for the consumers.

With a view to achieving these objectives, it is necessary to have a statutory grains board which will be entrusted with the work of pricing of foodgrains.

Hence this Bill.

NEW DELHI;
January 2, 1990.

YADVENDRA DUTT.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of Grains Board. Clause 8 provides for appointment of Executive Director and Secretary of the Board and Staff therefor. Under clause 9, the Chairman of the Board shall be entitled to salary and allowances. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees fifteen lakhs from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten lakhs is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of details including those provided for in clauses 5, 7 and 8 of the Bill, the delegation of power is of a normal character.

BILL No. 35 OF 1990

A Bill to make military training compulsory for all able-bodied persons.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short title,
extent
and com-
mence-
ment.

1. (1) This Act may be called the Compulsory Military Training Act, 1990.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Compul-
sory
military
training
for all
able-
bodied
persons.

2. (1) Military Training, for a period of not less than one year, shall be compulsory for all able-bodied persons who have attained the age of eighteen years. /

(2) Notwithstanding the provisions contained in sub-section (1), the persons who have already received military training under any other law in force, shall continue to be governed by that law.

Central
Govern-
ment to
formu-
late a
scheme
and esta-
blish inst
tutions.

3. The Central Government shall formulate a scheme and establish necessary institutions to give effect to the provisions of section 2.

STATEMENT OF OBJECTS AND REASONS

Military training instils a sense of discipline and develops character, mental robustness and physical fitness in the youth and makes them better citizens. It also enables the State to draft the youth to second line of defence in times of threats to the security of the country and for relief operations during natural calamities like floods, cyclones, earthquakes, famines, etc.

No doubt there is provision for N.C.C. training in some schools and colleges but the scheme in operation is neither comprehensive nor compulsory for the students.

The country needs a comprehensive scheme under which all able-bodied persons should undergo military training for a specified period before they take up their respective vocations.

Hence this Bill.

UTTAM RATHOD

NEW DELHI;

February 9, 1990.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for introducing compulsory military training to all able-bodied persons. Clause 3 provides for establishment of several institutions for imparting military training and these institutions have to be provided with necessary equipments. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. The recurring expenditure for the scheme may be to the tune of rupees ten crores per annum.

The scheme is also likely to involve a non-recurring expenditure of rupees ten crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill provides for formulating a scheme for imparting compulsory training to all able-bodied persons. The scheme has to be administered by the Central Government. The delegation of legislative power is of a normal procedural character.

BILL No. 29 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

- | | |
|---|--|
| <p>1. This Act may be called the Constitution (Amendment) Act, 1990.</p> <p>2. In article 75 of the Constitution, in clause (5), the following provisos shall be added at the end, namely:—</p> <p style="padding-left: 2em;">“Provided that the provisions of clause (5) shall not apply to a Minister, if the House of the People has passed a resolution to that effect within the said period of six months.</p> <p>Provided further that the House of the People shall pass not more than ten such resolutions during its term.”.</p> <p>3. In article 164 of the Constitution, in clause (4), the following provisos shall be added at the end, namely:—</p> <p style="padding-left: 2em;">“Provided that the provisions of clause (4) shall not apply to a Minister, if the Legislative Assembly of the State has passed a resolution to that effect within the said period of six months.</p> <p>Provided further that the Legislative Assembly of a State shall pass not more than ten such resolutions during its term.”.</p> | <p>Short title.</p> <p>Amendment of article 75.</p> <p>Amendment of article 164.</p> |
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STATEMENT OF OBJECTS AND REASONS

Article 74 of the Constitution envisages that there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President of India in exercise of his functions. Under article 75, the Ministers hold office during the pleasure of the President and at the same time they are collectively responsible to the House of the People. Then again a Minister has to be a member of either House of Parliament, if he is not such a member, within the period of six months after he joins the Council of Ministers, he ceases to be a Minister. Article 164 contains similar provisions in respect of Council of Ministers in the States.

These provisions work as damper in bringing administrative and professional talent in the Council of Ministers entrusted with the task of governing the country. The modern State has assumed responsibilities not only of maintaining law and order but also for managing the social, economic and educational affairs of the society. It is, therefore, necessary that talented persons of proven ability and integrity, who are well conversant with local and national problems are inducted into the Council of Ministers without putting them to undergo the travails of election. Therefore, articles 75 and 164 require amendment to achieve the above objective without impairing the accountability of the Council of Ministers to the House of the People and in case of the States to the Legislative Assemblies.

Hence this Bill.

K. RAMAMURTHY

NEW DELHI;
February 10, 1990.

BILL NO. 41 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1990. Short title.

2. In article 111 of the Constitution, after the existing proviso, the following proviso shall be added at the end, namely:—

“Provided further that the President shall, before the date of commencement of the next session of the House which had finally passed the Bill, declare either that he assents to the Bill, or that he withdraws assent therefrom or, return the Bill, if it is not a Money Bill, to the Houses for reconsideration.”

Amend-
ment of
article
111.

STATEMENT OF OBJECTS AND REASONS

Article 111 of the Constitution provides for assent to Bills, passed by the Houses of Parliament, by the President. The President is required to declare either that he accords his assent to a Bill or that he withdraws assent therefrom. Considering the basic principles of our Constitution that the will of Parliament shall prevail and the President shall act in accordance with the advice given by the Council of Ministers, a third situation has also been provided for, that is, the President may return the Bill, if it is not a Money Bill, to the Houses of Parliament for reconsideration. Although, the President may return a Bill for reconsideration as soon as possible, it has lost its meaning as the President can keep the Bill with him indefinitely without giving assent or withhold assent to a Bill, as is evident from the recent instance of the Postal Bill. Hence, it is necessary that a specific period be provided for in the Constitution itself.

It is proposed to provide that when a Bill is presented to President, he shall either give assent to the Bill or withhold assent therefrom or send the Bill, if it is not a Money Bill, for reconsideration to the Houses of Parliament, before the commencement of the next session of the House which had finally passed the Bill.

Hence this Bill.

NEW DELHI;

February 10, 1990.

K. RAMAMURTHY.

BILL NO. 44 OF 1990

A Bill to provide for simplification of procedure for recovery of loans advanced by nationalised banks.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Nationalised Banks (Loans Recovery Procedure) Act, 1990. Short title, extent and comment.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires ‘nationalised bank’ means a bank within the meaning of the State Bank of India Act, 1955 or the State Bank of India (Subsidiary Banks) Act, 1959 or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980. Definition.
3. (1) Every nationalised bank shall appoint such officers as they deem fit as Recovery Officers for the purposes of this Act. Appointment of Recovery Officers.
- (2) The Recovery Officer appointed under sub-section (1) shall have the following powers, namely:—
- (i) power of seizure and sale of securities offered by a defaulter;

23 of 1955
38 of 1959.
5 of 1970.
40 of 1980.

(ii) power to take police assistance, if necessary, to effect seizure and sale;

(iii) power to take into custody and keep the said securities in safe custody until they are disposed of or until any decision is taken in the matter;

Provided that all securities which have been seized under this Act and are to be disposed of shall be sold either through auction or otherwise within a period of sixty days from the date of such seizure.

Revenue recovery proceedings to apply for recovery of bank dues.

4. (1) Where the advances taken by a borrower are not secured and where securities are insufficient to cover the advance, the bank may, on default by the borrower, proceed to recover the amount or the unsecured portion thereof as if those were arrears of land revenue and for this purpose banks may seek the assistance of revenue authorities of the State in which the nationalised bank or its branch is situated.

(2) The concerned revenue authorities shall, on receipt of a requisition from the bank, proceed to recover the dues as if those were arrears of land revenue.

(3) On default by any borrower, the Recovery Officer may issue a certificate specifying the details of advance and default by the borrower and a separate intimation shall accompany this certificate requesting revenue authorities to take recovery steps.

Special courts for recovery of bank dues.

5. (1) At least one Civil Court shall be nominated in every district by the Central Government to deal exclusively with recovery suits filed by nationalised banks.

(2) The procedure prescribed for summary trial in Order XXXVII of the Code of Civil Procedure, 1908 shall be followed for trials in such Courts. 5 of 1908

(3) A suit filed under this Act shall be disposed of not later than twelve months from the date of the filing of the suit.

Bar of jurisdiction of other courts.

6. No court, other than the Court designated by the Central Government to deal with suits under this Act, shall try any suit arising under this Act.

Over riding effect of the Acts.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any enactment other than this Act.

STATEMENT OF OBJECTS AND REASONS

The number of suits filed by nationalised banks for recovery of funds due to them is on the increase. The Bill seeks to simplify the recovery procedure by providing for special courts with the simplified procedure in order to save public funds and unnecessary expenditure by nationalised banks, in recovering their dues.

The Bill seeks to achieve the above objective.

NEW DELHI;

MULLAPPALLY RAMACHANDRAN

January 26, 1990.

BILL No. 43 OF 1990

A Bill further to amend the Employees' State Insurance Act, 1948.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Employees' State Insurance (Amendment) Act, 1990.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section
2.

2. In section 2 of the Employees' State Insurance Act, 1948 (hereinafter referred to as the Principal Act), the clause (23), the following clause shall be substituted, namely:—

34 of 1948.

“(23). ‘week’ means a period of seven days commencing at mid-night of Saturday night;”.

3. In section 39 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) A week shall be the unit in respect of which all contributions shall be payable under the Act.”.

(b) in sub-section (4), for the words “wage period”, wherever they occur, the word “week” shall be substituted.

Amend.
ment of
section
39.

4. In section 63 of the principal Act, the words “or on any day on which he remains on strike” shall be omitted.

Amend.
ment of
section
63.

5. In section 97 of the principal Act, in sub-section (2), in clause (iv b), the words “or for any day on which he remains on strike” shall be omitted.

Amend.
ment of
section
97.

STATEMENT OF OBJECTS AND REASONS

The cashew workers in the factories registered under the Factories Act, 1948, are eligible for the benefits under the Employees' State Insurance Act, 1948. For many years till 1984 they were entitled to various benefits under the Employees' State Insurance Act, 1948, like sickness benefit, maternity benefit and disablement benefit if, during the corresponding contribution period, they had paid weekly contributions for not less than 13 weeks in a half year. Since "a week" was the unit in respect of which all contributions were payable, an insured worker who worked even for a day in a week could pay contributions for the whole week and avail himself of all the benefits under the Employees' State Insurance Act. In other words, it was not necessary for the workers to work for the entire 91 days in a half year. For the cashew workers this situation was very helpful as many factories were unable to provide 91 days work to the workers in a half year due to the peculiar nature of the cashew industry. The Employees' State Insurance (Amendment) Act, 1984 changed the unit of contribution from 'week' to 'wage period' with the result that the benefits hitherto enjoyed by the cashew workers were taken away.

Though the Employees' State Insurance Act, 1948 was amended again in 1989, some of the earlier benefits to the cashew workers, were only partially restored. There is, therefore an urgent need to restore the full benefits to the cashew workers which they enjoyed till the 1984 amendment came into operation. This can be done by reverting to 'week' as the unit of contribution from the 'wage period'.

The amendment passed in 1989 to the Employees' State Insurance Act, 1948, provides that the workers will not be eligible for sickness benefit or disablement benefit during the period of strike which is an anti labour provision. Right to strike is a basic freedom of the workers and therefore this provision is unjust and retrograde and hence needs to be omitted.

The present Bill seeks to achieve the above objectives.

NEW DELHI:

February 27, 1990.

S. KRISHNA KUMAR

BILL NO. 42 OF 1990

A Bill to provide for a comprehensive policy for the development of the youth in the country.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Youth Act, 1990.

Short
title
and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

(a) 'appropriate Government' means in the case of a State, the State Government and in the case of a Union territory, the Union Government;

(b) 'youth' means all persons between fifteen and forty-five years of age;

(c) 'youth association' means a body consisting of the representatives of youth organisations of all States and Union territories;

(d) 'youth organisation' means an organisation of youth which provides for universal membership, without any discrimination on the basis of race, religion, language, caste or sex and the constitution of which provides for its democratic functioning in respective States or Union territories, as the case may be.

3. (1) The appropriate Government shall provide to the youth,—

- (a) compulsory and free education upto secondary school level;
- (b) free supply of school materials, like books, note-books, stationery;
- (c) scholarships to deserving students; and
- (d) who are illiterate, the facilities for adult education.

(2) The education, provided under sub-section (1), shall include study of science and various aspects of human life as also extra curricular activities and shall also include financial compensation, schooling for employed youth.

4. (1) The youth shall have representation in the management or advisory boards at all levels of administration of schools as well as in institutions of higher and specialised education through their association or organisation.

(2) Students' unions in all educational institutions shall be formed through elections by secret ballot.

5. The appropriate Government shall provide—

- (a) facilities to the youth for participation in sports activities;
- (b) finances to sports organisations for youth; and
- (c) the representation of youth organisations in sports associations and bodies.

6. The appropriate Government shall promote among youth the habit to lead a healthy life, to undergo mental and physical training, to adopt a balanced diet and to refrain from using stimulants and drugs.

7. The appropriate Government shall provide healthy and nutritious meals to students in schools, colleges, universities and hostels.

8. The appropriate Government shall provide proper and regular medical and health care to all youths.

Compulsory and free educational facilities to youths.

Participation of youths in management of administration of schools, etc.

Sports facilities of youths.

Promotion of health awareness among youths.

Provision of nutrient meals in schools, etc.

Medical care of youths.

9. (1) The appropriate Government shall evolve a scheme under which young girls and boys shall choose from modern apprenticeship trades, vocations, for theoretical and practical training, in factories and vocational institutions.

Training of youths in trade, vocation, etc,

(2) Such factories and vocational institutions shall provide facilities for training to persons who leave the schools and pay them fair wages.

10. Persons responsible to run training centres set up under section 9 shall ensure that students get appropriate training.

Appropriate training to students,

11. It shall be the responsibility of the appropriate Government to provide proper and gainful employment to youth or unemployment allowance, in lieu thereof, till they get employment.

Provision of employment to youths,

12. The appropriate Government shall evolve a scheme under which youth organisation shall have representation in the employment exchange of the area.

Representation of youths in employment exchange.

13. Notwithstanding anything contained in any other law for the time being in force,—

Working conditions of youths,

(a) the minimum age limit for employment shall be sixteen years;

(b) all youth workers, both men and women, shall be paid equal pay for equal work:

Provided that special monetary rewards shall be given to a youth worker in case of any special achievement by him;

(c) the working hours of youth workers shall not exceed forty hours a week and they shall be given twenty days holidays in a year;

(d) no worker, both men and women, who is under the age of eighteen years shall be employed for any hazardous job.

14. The appropriate Government shall ensure safe and healthy working conditions for youth which shall be reviewed from time to time in consultation with youth association.

Provision for safe and healthy working conditions to youths,

15. The youth workers representatives chosen by secret ballot shall be entitled to participate in discussion with management regarding problems, in any, of youth workers employed in offices and factories.

Participation of youths in administration of offices/factories,

Explora-
tion of
talents
of
youths.

16. The appropriate Government shall—

- (a) take steps to encourage youth to take an active part in arts and cultural events, to help them to demonstrate their abilities by holding contests, meetings, workshops, etc.;
- (b) organise youth festivals;
- (c) involve youth organisations in activities connected with agriculture and house building by paying them adequate remuneration so as to improve their standard of living;
- (d) take steps to encourage international brotherhood amongst the youths; and
- (e) constitute youth work teams to work, on voluntary basis, to inculcate in the youth respect for labour.

Special
proto-
tion of
youths.

17. (1) Notwithstanding anything contained in any other law for the time being in force, the Union Government shall take adequate steps for the prevention of Juvenile delinquency and for the speedy administration of justice to young offenders.

(2) Young women shall be protected from any social, political or economic discrimination and from hazardous work conditions.

Democra-
tic, poli-
tical,
public
aware-
ness of
youths.

18. The Union Government shall—

- (a) promote and ensure the activities of youth in the field of democracy and politics by providing proper facilities and assistance for their participation in political and public affairs;
- (b) enable youth to carry out their civic duties by involving them in various activities;
- (c) promote secularism amongst youth by means of mass education programmes.

Special
provi-
sions for
married
youths.

19. (1) The Union Government shall evolve a scheme for sanctioning of interest free loans, through banks, to married youth to enable them to construct or purchase new houses, and such loans shall be repayable in monthly instalments over a period of ten years.

(2) Newly married youth shall be given preference in allotment of houses built by housing boards.

*Explanation.—*For the purpose of this section 'newly married youth' means a youth who has contracted marriage within preceding one year from the date of his application for the allotment of a house.

Apex
body for
youths.

20. There shall be an Apex body representing youth organisations at National level and such bodies in State level, to interact with Planning Commission, for formulating plans affecting the youth, and for regular discussion with Central or State Government on the problems of the youth.

21. The Union Government shall maintain holiday homes for youths, which shall comprise of youth hostels, recreation centres, camping sites, lodges, in places of tourist interest.

Recrea-
tion facil-
ties to
youths.

22. The appropriate Government shall—

(a) consult youth organisations before any legislation for the development of the youth is initiated and youth organisations shall have the right to submit proposals to the appropriate Government in this regard;

(b) hold discussions regularly with youth organisations for their social and vocational development;

(c) set up Youth Development Boards, consisting of youth organisations, who shall, in cooperation with the appropriate Government, monitor the progress of implementation of the provisions of this Act.

Consel-
tation with
youths
in formu-
lation of
youth
welfare
policies.

23. The Central Government shall set up a permanent cell, which shall work out plans for the implementation of the provisions of this Act in consultation with youth association.

Setting
up of a
cell.

24. The Central Government shall give complete financial assistance to the State Governments for implementation of the provisions of this Act and for the purpose the Central Government shall constitute a Youth Development Fund to which it shall contribute rupees one hundred crores per annum.

Financial
assist-
ance of
State-
Govern-
ments and
Constitu-
tion of
Youth
Develop-
ment
Fund.

25. The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power
to make
rules.

STATEMENT OF OBJECTS AND REASONS

For any nation, its student community and youth are very important. The future of a nation depends upon the development of this section of the society. As human resource is superior to all other resources, it is essential to have a comprehensive plan for development of youth.

Since independence, apart from scattered and vague pronouncements, no clear-cut youth policy has been laid down. The Directive Principles of the Constitution give some guidelines relating to unemployment, education, social justice, equal rights for women, etc. But even now a proper youth policy has not emerged to transform these guidelines into practice.

Every fifth unemployed person in the world is an Indian. Every second illiterate in the world, is an Indian. In the field of sports, at the world level, our role is very insignificant. The cultural arena is still dominated by a small section of the society.

In this context, it is utmost important to start a powerful, united, well-orchestrated reform movement under a comprehensive youth policy and to implement it in order to wean away the youth from backward feudal ideology, connected with the colonial era, and to fight against fanaticism, fundamentalism and separatism.

The education should be a right of every youth, not a privilege and employment should be guaranteed. The youth should directly be linked with production process. The disparities between rural and urban youths should be eliminated gradually. Youths today are also facing serious health problem, acute housing problem, absolute inadequacy in sports and cultural facilities and constant interference into their democratic rights. The youth women are facing special problems like social discrimination, economic injustice, sexual harassment, dowry system, etc. Our young scientists are not getting opportunity to discharge their responsibility to the nation. Youths belonging to Scheduled Castes, Scheduled Tribes and other backward sections are still reeling under poverty. Youth organisations are also not consulted in dealing with the problems of youths.

A comprehensive youth policy is therefore necessary and long over-due. Without involving youth organisations, and exchange of different view points before taking decisions, the youth cannot be activated. For this, it is necessary that, through debate and discussion, a clear cut policy outline be drawn up for the welfare of youths. So it is imperative to make a comprehensive youth law which will define the character and power of the youth, work for the fulfilment of various aspirations of the youth of the country.

Hence this Bill.

NEW DELHI;
February 27, 1990

HANNAN MOLLAH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide compulsory and free education to all youths upto secondary education level. It also provides for scholarships to deserving youths and education to uneducated youths through adult education system. Clause 5 provides that appropriate Government shall provide facilities to youths for their participation in sports activities and finance sports federations. Clause 6 provides that the appropriate Government shall promote aptitude and awareness of health amongst youths. Clause 7 provides that the appropriate Government shall provide meals in accordance with requirements of a healthy nutritious diet in schools, boarding schools, colleges, etc. Clause 8 provides for regular supervision of health and medical care of youths by the appropriate Government. Clause 9 provides that the appropriate Government shall evolve a scheme under which youths can get training in training centres set up for this purpose in factories. Clause 11 provides that the appropriate Government shall be responsible for providing employment to all youths or unemployment benefits till they get employment. Clause 16 provides that the appropriate Government shall take steps to encourage youths to take part in arts and cultural activities and to organise youth festivals at various levels. It also provides that youth organisations shall be involved in activities connected with agriculture and house-building by paying them wages. Clause 18 provides that the Central Government shall promote and ensure the activities of youths in the field of democracy, politics, etc. and to encourage them to adopt secularism through the means of media. Clause 21 provides that the Central Government shall establish and maintain holiday homes, youth hostels, etc. for youth. Clause 22 provides for the setting up of youth Development Boards. Clause 23 provides for setting up of a permanent Special Cell at the Centre for the development of youths. Clause 24 provides for financing of State Governments for implementation of the provisions of this Act and for the constitution of Youth Development Fund by the Central Government.

The Bill if enacted, therefore, would involve expenditure from the Consolidated Fund of India.

An annual recurring expenditure of about rupees one hundred and ten crores is likely to be incurred.

A non-recurring expenditure of about rupees two crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

SUBHASH C. KASHYAP,
Secretary-General.